

ORDINANCE NO. 40-22
AS AMENDED



**BEING AN ORDINANCE OF APPROVAL TO AMEND THE TEXT OF
THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE
REGARDING MINOR CLARIFICATIONS AND CORRECTIONS.**

WHEREAS, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to said ordinances as deemed necessary from time to time; and

WHEREAS, the State enabling act also provides for amendments to the Comprehensive Zoning Ordinances to further promote the health, safety and general welfare; and

WHEREAS, the current provisions require updating or clarification regarding visibility at intersections; uses in the BL Limited Business Zone, BV Variety Business Zone, and IP Industrial Park Zone; performance standards in the IL Limited Industrial Zone and the IP Industrial Park Zone; height of parking lot buffer; ADA parking requirements; number of on-premise signs; height of pole signs; name on clustered use signs; prohibited tree species; and gas station setbacks in the Corridor Development Standards; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing and, after consideration of the proposed amendments during the hearing, hereby forwards a favorable recommendation (6-0, 3 absent) regarding said amendment to the City Council of Muncie, Indiana, all as required by law; and

WHEREAS, the Common Council has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Muncie that the text of the City of Muncie Comprehensive Zoning Ordinance shall be amended, changed and supplemented as follows:

Section 1. Article IX GENERAL PROVISIONS, Section 11 VISIBILITY AT INTERSECTIONS shall be amended by inserting a new sentence "For Commercial Developments, see Article XXX Section 6." at the end of the existing paragraph.

Section 2. That Article XIX BL LIMITED BUSINESS ZONE, Section 1 PERMITTED USES, shall be supplemented to include:

16. Mini Warehouses/Enclosed Storage

Section 3. That Article XXI BV VARIETY BUSINESS ZONE, Section 1 PERMITTED USES, shall be supplemented to include:

22. Outdoor storage of boats and RVs

Amended Section 4. That Article XXIII IL LIMITED INDUSTRIAL ZONE, Section 8 PERFORMANCE STANDARDS, E HEIGHT shall be amended to replace the word “provided” with “added to the adjacent setback(s)” so that the last sentence reads as follows; including the underlined clause that was previously omitted:

For each foot of height in excess of twenty-five (25) feet, to an absolute maximum of thirty-five (35) feet, one (1) additional foot shall be *added to the adjacent setback(s)*.

Section 5. That Article XXV IP INDUSTRIAL PARK ZONE shall be amended by inserting the following provisions:

Section 4 PERMITTED USES

Uses permitted in all Business and Industrial Zones

Section 5 PERFORMANCE STANDARDS

The same performance standards set forth in Article XXIII, Section 8, shall apply to the IP Industrial Park Zone in addition to any applicable plat restrictions.

Section 6. That Article XXX PERFORMANCE STANDARDS, Section 2 PARKING AND LOADING, Subsection C 1. shall be amended to correct the number “four (4)” to “five (5)” to read as follows:

1. Off-street parking facilities shall be opaquely screened from any Residence Zone, or any one or two family dwelling, with a suitable buffer or fence not less than *five (5)* feet in height.

Section 7. That Article XXX PERFORMANCE STANDARDS, Section 2 PARKING AND LOADING, Subsection C 6. c. shall be amended to correct the number “eight” to “six” in the first sentence to read as follows:

- c. For every six accessible spaces, one space is to be marked for vans. ...

Section 8. That Article XXX PERFORMANCE STANDARDS, Section 3 SIGNS AND OUTDOOR ADVERTISING, Subsection B 11. shall be amended to clarify the location of the permitted signs by deleting the term “per street frontage” from the formula and replacing that term with “shall be permitted on each separate street frontage” to read as follows:

11. Total Number of On-Premise Signs per Property: The total number of on-premise signs for a property having a commercial or industrial use located thereon shall be based on the following formula: Two (2) on-premise signs *shall be permitted on each separate street frontage*. However, where there are multiple uses on a single property, each occupant thereon is permitted a maximum of two (2) on-premise signs.

Section 9. That Article XXX PERFORMANCE STANDARDS, Section 3 SIGNS AND OUTDOOR ADVERTISING, Subsection E 3.b. shall amend the fourth sentence to correct maximum height of a pole sign from sixty (60) feet to forty-five (45) to read as follows:

3. Pole Sign:

- b. ... No pole sign shall be erected in excess of *forty-five (45)* feet in vertical height or three hundred (300) square feet in area per side. ...

Section 10. That Article XXX PERFORMANCE STANDARDS, Section 3 SIGNS AND OUTDOOR ADVERTISING, Subsection E 8.a. shall be amended to include the word “named” to read as follows:

8. Clustered Use Sign:

- a. Definition: A sign, which identifies by name two or more uses located in a single integrated *named* commercial or industrial development or subdivision. Such signs are designated for identification and locational purposes rather than advertising purposes.

Amended Section 11. That the section and subsection references have been corrected so that Article XXX PERFORMANCE STANDARDS, Section 6 DEVELOPMENT STANDARDS, Subsection B 3. f. 1) shall amend the fourth sentence to include the word “invasive”, insert the phrase, “and plants included on the Indiana Invasive Species Council’s list of invasive plants, and to minimize redundancy by removing the trees listed in the sentence that are included on the invasive species list to read as follows:

- 1) ... To provide for easier and more cost efficient maintenance, the following trees, which are *invasive*, prone to disease, excessive breakage, and/or other problems, shall not be used and/or planted as a part of any required landscape plan: acer negundo, box elder; acer saccharinum, silver maple; and populus deltoides, cottonwood; *and plants included on the Indiana Invasive Species Council's list of invasive plants.*

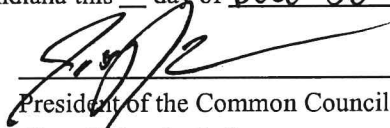
Section 12. That Article XXX PERFORMANCE STANDARDS, Section 7 CORRIDOR DEVELOPMENT STANDARDS, Subsection D shall amend the first sentence to include the phrase “Gas stations are exempt from the following setbacks; see Article XXX, Sec 4 B for applicable setbacks)” to read as follows:

A building subject to these regulations shall meet the minimum setback requirements of the applicable zoning district and shall be subject to the following additional setback standards (*Gas stations are exempt from the following setbacks; see Article XXX, Sec 4 B for applicable setbacks*):

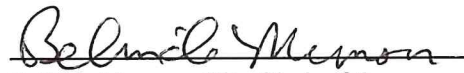
Section 13. That this Ordinance shall be in full force and effect from and after its adoption and such publication as require by law.

	YEAS	NAYS	ABSTAINED	ABSENT
Aaron Clark	✓			
Jerry Dishman	✓			
Brandon Garrett	✓			
Jeff Green				✓
Troy Ingram	✓			
Roger Overby	✓			
Brad Polk	✓			
Jeff Robinson	✓			
Rosa Selvey	✓			


Passed by the Common Council of the City of Muncie, Indiana this 5th day of December, 2022.


 President of the Common Council of the
 City of Muncie, Indiana


Presented by me to the Mayor for his approval this 5 day of December, 2022.



 Belinda Munson, City Clerk of the
 City of Muncie, Indiana


The above ordinance approved (vetoed) by me this 5th day of December, 2022.


 Dan Ridenour, Mayor of the
 City of Muncie, Indiana

ATTEST:


 Belinda Munson, City Clerk of the
 City of Muncie, Indiana

This ordinance is proposed by: 
 City Council Member

This ordinance is approved in form by: 
 Corporate Counsel